

The Gazette



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NOTICE

The undermentioned Gazettes of India Extraordinary were published during the week ending the 30th August 1950 :—

S. No.	No. and Date	Issued by	Subject
1	S. R. O. 395, dated the 10th August 1950.	Ministry of Agriculture.	Ajmer Revenue Court Rules, 1950.
2	S. R. O. 426, dated the 18th August 1950.	Ministry of Commerce.	Further amendments in the Insurance Rules, 1939.
3	S. R. O. 427, dated the 21st August 1950.	Ministry of Railways.	Appointment of Shri N. C. Ghose, retired District and Sessions Judge, as the Claims Commissioner for determining all claims for compensation arising out of the accident to 7 UP Toofan Express.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF HOME AFFAIRS

New Delhi, the 26th August 1950

S.R.O. 458.—In pursuance of clause (1) of article 239 and clause (1) of article 243 of the Constitution and in supersession of the notification of the Government of India in the Ministry of Home Affairs No. 2/26/49-II-Public, dated the 12th January, 1950, the President is pleased to direct that the Chief Commissioners of Delhi, Ajmer, Coorg and the Andaman and Nicobar Islands shall discharge in their respective States all the functions of a State Government under the Census Act, 1948 (XXXVII of 1948), except those under sub-section (4) of section 4 of the said Act.

[No. 51/145/50-Public.]

FATEH SINGH, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS*New Delhi, the 30th August, 1950.*

S.R.O. 459.—In exercise of the powers conferred by Order XXVII, Rules 1 and 2 of the Code of Civil Procedure, 1908 (Act V of 1908), the Central Government is pleased to direct that the notification of the Government of India in the Ministry of External Affairs, No. 5-16/50-B. II, dated the 8th April 1950 shall be cancelled.

[No. 803-BII.]

S. N. SHEOPORI, Asstt. Secy.

MINISTRY OF STATES*New Delhi, the 24th August 1950*

S.R.O. 460.—In pursuance of clause (1) of article 239 of the Constitution and supersession of all previous notifications on the subject, the President is pleased to direct that the Chief Commissioners of Himachal Pradesh, Bilaspur, Kutch, Bhopal, Tripura, Vindhya Pradesh and Manipur shall, subject to the control of the President, and until further orders, exercise the powers and discharge the functions of—

- (1) a State Government under the provisions of laws as for the time being in force in their respective States specified in Schedule I hereto annexed;
- (2) the Central Government under the provisions of laws as for the time being in force in their respective States specified in Schedule II hereto annexed.

SCHEDULE I

NAME OF ACT	PROVISIONS	NAME OF ACT	PROVISIONS
The Opium Act, 1857 (XIII of 1857).	All.	The Indian Telegraph Act, 1885 (XIII of 1885).	All.
The Societies Registration Act, 1860 (XXI of 1860).	All.	The Births, Deaths and Marriages Registration Act, 1886 (VI of 1886).	All.
The Police Act, 1861 (V of 1861).	All.	The Police Act, 1888 (III of 1888).	All.
The Waste-lands (claims) Act, 1863 (XXIII of 1863).	All.	The Prevention of Cruelty to Animals Act, 1890 (XI of 1890).	All.
The Carriers Act, 1865 (III of 1865).	Section 11.	The Land Acquisition Act, 1894 (I of 1894).	Sections 4, 6, 7, 17, 38, 39, 40, 41, 49 and 55.
The Court-fees Act, 1870 (VII of 1870).	All.	The Prisons Act, 1894 (IX of 1894).	All.
The Cattle Trespass Act, 1871 (I of 1871).	All.	The Epidemic Diseases Act, 1897 (III of 1897).	Section 2.
The Pensions Act, 1871 (XXIII of 1871).	All.	The Indian Fisheries Act, 1897 (IV of 1897).	Sections 5 and 6.
The Indian Christian Marriage Act, 1872 (XV of 1872).	Sections 6 and 9 (Chief Commissioner Manipur excluded).	The Lapers Act, 1898 (III of 1898).	All.
The Opium Act, 1878 (I of 1878).	All.	The Life-Stock Importation Act, 1898 (IX of 1898).	All.
The Vaccination Act, 1880 (XIII of 1880).	All.		

NAME OF ACT	PROVISIONS	NAME OF ACT	PROVISIONS
The Code of Criminal Procedure, 1898 (V of 1898).	All except sections 108, 196, 197, 401 and 402 (Chief Commissioner, Manipur excluded).	The Payment of Wages Act, 1930 (IV of 1930).	All.
The Indian Post Office Act, 1898 (VI of 1898).	All.	The Employment of Children Act, 1938 (XXVI of 1938).	All.
The Indian Stamp Act, 1899 (II of 1899).	All.	The Motor Vehicles Act, 1939 (IV of 1939).	All.
The Government Buildings Act, 1899 (IV of 1899).	All.	The Weekly Holidays Act, 1942 (XVIII of 1942).	All.
The Prisoners Act, 1900 (III of 1900).	All.	The Industrial Statistics Act, 1942 (XIX of 1942).	All.
The Criminal Law (Amendment) Act, 1908 (XIV of 1908).	All.	The Industrial Employment (Standing Orders) Act, 1946 (XX of 1946).	Section 13.
The Indian Lunacy Act, 1912 (IV of 1912).	All.	The Industrial Disputes Act, 1947 (XIV of 1947).	All except section 38.
The Destructive Insects and Pests Act, 1914 (II of 1914).	Section 5.	The Minimum Wages Act, 1948 (XI of 1948).	All.
The Cinematograph Act, 1918 (II of 1918).	All except sub-sections (1) and (3) of Section 7 and clauses (b) & (bb) of sub-section (2) of Section 8.	The Employees' State Insurance Act, 1948 (XXXIV of 1948).	All.
The Identification of Prisoners Act, 1920 (XXXIII of 1920).	All.	The Factories Act, 1948 (LXIII of 1948).	All.
The Police (Incitement to Disaffection) Act, 1922 (XXII of 1922).	All.		
The Workmen's Compensation Act, 1923 (VIII of 1923).	All.		
The Indian Official Secrets Act, 1923 (XIX of 1923).	All.		
The Provident Funds Act, 1925 (XIX of 1925).	All.		
The Indian Trade Unions Act, 1926 (XVI of 1926).	All.		
The Indian Forest Act, 1927 (XVI of 1927).	Sub-section (3) of Section 1.		
The Dangerous Drugs Act, 1930, (II of 1930).	All.		
The Indian Press (Emergency) Powers Act, 1931 (XXIII of 1931).	All.		
The Tea Districts Emigrant Labour Act, 1932 (XXII of 1932).	All.		
The Criminal Law Amendment Act, 1932 (XXIII of 1932).	All.		

SCHEDULE II

NAME OF ACT	PROVISIONS
The Press and Registration of Books Act, 1867 (XXV of 1867).	All.
The Court Fees Act, 1870 (VII of 1870).	All.
The Negotiable Instruments Act, 1881 (XXVI of 1881).	Explanation to section 25 and under section 138.
The Charitable Endowments Act, 1890 (VI of 1890).	All.
The Ancient Monuments Preservation Act, 1904 (VII of 1904).	Sections 4, 5, 7, 9, 11, 13 and 14.
The Civil Procedure Code, 1908 (V of 1908).	Order XXVII of the First Schedule (Chief Commissioner, Manipur excluded).
The Explosive Substances Act, 1908 (VI of 1908).	All.
The Destruction of Records Act, 1917 (V of 1917).	All.
The Indian Trade Unions Act, 1926 (XVI of 1926).	All.
The Foreign Exchange Regulation Act, 1947 (VII of 1947).	Sub-section (2) of section 23.

S.R.O. 461.—In pursuance of clause (1) of article 239 of the Constitution and in supersession of all previous notifications on the subject, the President is pleased to direct that the Chief Commissioner of Kutch, shall, subject to the control of the President, and until further orders, exercise the powers and discharge the functions of the Central Government under clause (p) of sub-section (1) of section 6 and sections 17, 49 and 50 of the Indian Ports Act, 1908 (XV of 1908), as for the time being in force in the State of Kutch.

[No. 105-J.]

S.R.O. 462.—In pursuance of sub-clause (d) of clause (10) of section 3 of the General Clauses Act, 1897 (X of 1897), the Central Government is pleased to appoint the Chief Commissioner of each of the States of Himachal Pradesh, Bilaspur, Kutch, Tripura, Vindhya Pradesh and Manipur to be the Chief Controlling Revenue Authority within his State, for the purpose of the Court-fees Act, 1870 (VII of 1870).

[No. 106-J.]

S.R.O. 463.—In pursuance of clause (1) of article 239 of the Constitution and in supersession of all previous notifications on the subject, the President is pleased to direct that the Chief Commissioners of Himachal Pradesh, Bilaspur, Kutch, Bhopal, Tripura, Vindhya Pradesh and Manipur, shall, subject to the control of the President, and until further orders, exercise the powers and discharge the functions of the Central Government under sections 6, 7, 11, 13, 15, sub-sections (1), (2) and (4) of section 16, clause (c) of section 17, and sections 18, 25, 26, 30 and 32 of the Indian Arms Act, 1878 (XI of 1878), as for the time being in force in their respective States provided that—

- (a) the powers under section 11 shall be exercised subject to the previous sanction of the Central Government; and
- (b) the powers under section 18 shall be limited to the territory under the administrative control of the Chief Commissioner and shall be subject to the power of the Central Government to cancel or suspend any licence throughout the territory or any part of India to which the said Act extends

[No. 107-J.]

New Delhi, the 29th August 1950.

S.R.O. 464.—In exercise of the powers conferred by section 2 of the Part C States (Laws) Act, 1950 (XXX of 1950), the Central Government is pleased to extend to the State of Bilaspur the Punjab Panchayat Act, 1939 (Punjab Act XI of 1939), subject to the following modifications, namely:—

(1) Except as otherwise provided for the words "Government", "Provincial Government" or "Punjab Government" and for the words "Commissioner" or "Deputy Commissioner" wherever they occur, the words "Chief Commissioner" shall be substituted,

(2) section 2 shall be omitted;

(3) in section 3,—

(a) in sub-section (1), for clause (b) the following clause shall be substituted, namely:—

“(b) Chief Commissioner, means the Chief Commissioner of Bilaspur”;

(b) in sub section (2), the words "European British Subject" shall be omitted;

(4) in the proviso to section 4, after the words and figures "the Punjab Municipal Act, 1911", the words "or any other enactment for the time being in force" shall be inserted;

(5) in section 6,—

(a) for sub-sections (1), (2) and (3) the following sub-sections shall be substituted, namely:—

"(1) The panches shall be appointed by the Chief Commissioner from amongst the inhabitants of the panchayat area duly nominated in such manner as may be prescribed:

Provided that every panch shall be nominated by at least ten such inhabitants.

(2) The lambardar of a panchayat area shall be a panch *ex-officio*:

Provided that if there are more than one lambardars in a panchayat area, the Chief Commissioner may appoint any one of them to be a panch:

Provided further that any lambardar who is not appointed an *ex-officio* panch shall be eligible for appointment as a panch under sub-section (1).";

(b) in sub-section (4), the words "When his election has been confirmed by the prescribed authority" shall be omitted;

(6) in sub-section (2) of section 8, for the word "re-election" the word "re-appointment" shall be substituted;

(7) for section 9, the following section shall be substituted, namely:—

"9 Whenever a vacancy occurs by the death, resignation or removal of a panch, naib-sarpanch or a sarpanch a new panch, naib sarpanch or a sarpanch shall be appointed by the Chief Commissioner or elected by the Panchayat, as the case may be, in accordance with the provisions of sections 6, 7 and 10, and the person so appointed or elected shall hold office for the remainder of the term for which the person in whose place he is appointed or elected would have held office if the vacancy had not occurred.";

(8) sub-section (1) of section 10 shall be omitted;

(9) in sub-section (1) of section 29 clause (b) shall be omitted;

(10) in section 70,—

(a) in sub-section (1), the words "a Commissioner or" shall be omitted;

(b) sub-section (2) shall be omitted;

(11) in section 74, the word "Commissioners" shall be omitted;

(12) After section 83 the following section shall be inserted, namely:—

84. *Repeal*.—The Bilaspur (Kehloor) State Halqa and pargana Councils (Powers and Authorised functions) Act (No. V of 2005 BK) is hereby repealed.

[No. 108-J]

[No. 108-J.]

New Delhi, the 30th August 1950

S.R.O. 465.—In pursuance of clause (1) of article 239 of the Constitution, the President is pleased to direct that the following amendment shall be made

in the notification of the Government of India in the Ministry of States No. 104-J, dated 24th August 1950, namely:—

In Schedule I to the said notification, after the entry relating to the Employees' State Insurance Act, 1948 (XXXIV of 1948), the following entry shall be inserted, namely:—

The Census Act, 1948. All [except powers under sub-section (4) of section 4]. (XXXVII of 1948).

[No. 110-J]

S.R.O. 466.—In exercise of the powers conferred by section 2 of the Part C States (Law) Act, 1950 (XXX of 1950), the Central Government is pleased to extend the East Punjab Agricultural Pests, Diseases and Noxious Weeds Act, 1949 (East Punjab Act No. IV of 1949) to the State of Himachal Pradesh subject to the following modifications, namely:—

- (1) For the words "the Provincial Government" wherever they occur except in section 11, the words "the Chief Commissioner, Himachal Pradesh" shall be substituted.
- (2) Sub-section (2) of section 1 shall be omitted.
- (3) In section 11 for the words 'Provincial Government' wherever they occur the words 'Central Government' shall be substituted.

[No. 112-J.]

A. N. SACHDEV, Under Secy.

New Delhi, the 30th August 1950

S.R.O. 467.—Mr. G. Swaminathan, an Officer on Special Duty in the Ministry of States has been appointed as *ex-officio* Joint Secretary to the Government of India in that Ministry with effect from the 1st February 1950, and until further orders.

[No. 111-Adm.]

C. GANESAN, Dy. Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

CUSTOMS

New Delhi, the 2nd September 1950

S.R.O. 468.—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to exempt Black Pepper from so much of the export duty leviable thereon as is in excess of Rs 120 per cwt.

[No. 82.]

S.R.O. 469.—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to exempt Standard Precision Process Cameras for preparing process and photo litho blocks from so much of the customs duty leviable thereon as is in excess of the duty of—

- (1) 5 per cent. *ad valorem* if the said goods are of British manufacture, and
- (2) 15 per cent. *ad valorem* if the said goods are not of British manufacture.

[No. 84.]

K. R. P. AIYANGAR, Joint Secy.

CENTRAL BOARD OF REVENUE**INCOME-TAX***New Delhi, the 2nd September 1950*

S.R.O. 470.—In pursuance of sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), and in partial modification of its notification No. 32. Income-tax dated the 9th November 1946, the Central Board of Revenue directs that the Appellate Assistant Commissioner of Income-tax, B-Range, Calcutta shall also and the Appellate Assistant Commissioner of Income-tax A-Range, Calcutta, shall not perform his functions in respect of Mr. S. B. Ahmed, C/O Karachi Port Trust, Bander Road Karachi for the appeals specified below:—

No. of appeal	Assessment year
25/III-A/48-49	1944-45
26/III-A/48-49	1945-46
27/III-A/48-49	1946-47
28/III-A/48-49	1947-48
29/III-A/48-49	1948-49
5/III-A/50-51	1948-49
[under section 28(1) (c)]	
6/III-A/50-51	1947-48
[under section 28(1) (c)]	
7/III-A/50-51	1946-47
[under section 28(1) (c)]	

[No. 101.]

S.R.O. 471.—In pursuance of sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922) and in partial modification of its notification No. 32-Income-tax, dated the 9th November 1946, the Central Board of Revenue directs that the Appellate Assistant Commissioner of Income-tax, Coimbatore Range, shall also and the Appellate Assistant Commissioner of Income-tax Ernakulam Range, shall not perform his functions in respect of Sri P. C. Vareed, Gothuruthy for his appeals I.T.A. Nos. 75 and 76 1950-51.

[No. 102.]

PYARE LAL, Secy.

MINISTRY OF INDUSTRY AND SUPPLY*New Delhi, the 2nd September 1950*

S.R.O. 472.—In exercise of the powers conferred by Section 3 of the Drugs (Central) Act, 1950 (XXVI of 1950), the Central Government is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the Ministry of Industry and Supply No. I-(IV)/1-Drugs dated the 3rd October, 1949, namely:—

In the Schedule annexed to the said notification,—

(1) To the entries under the heading "Volkart Brothers Limited, Bombay" the following sub-heading and entries shall be added, namely:—

MESSRS. SOCIETE PARISIENNE D' EXPANSION CHIMIQUE (SPECIA),
21, RUE JEAN-GOUJON, PARIS 8e

CRYSTALLIZED PENICILLIN G SODIUM "RHODIA" (Specilline G)

Phials of 1,00,000 units

Phials of 2,00,000 units

Phials of 5,00,000 units

Phials of 10,00,000 units

DIHYDRO-STREPTOMYCIN SULPHATE "RHODIA" (Didromycine)

Phial containing equivalent of 1 gram Streptomycin Base

Phial containing equivalent of 5 grams Streptomycin Base

(2) To the entries under the heading "Evans Medical Supplies (India) Ltd." the following entry shall be added, namely:—

DISTAQUAINE 'G' 0.8 m.u.

Boxes of 5 x single dose vials

(3) To the entries under the heading "Boots Pure Drug Co. (India) Ltd." the following entry shall be added namely:—

SULPHACETAMIDE SODIUM EYE OINTMENT—BOOTS

10 per cent. Ointment Tube of 60 grs.

(4) The following heading and entries shall be added, namely:—

AMERICAN PRODUCTS CO. LTD., BOMBAY

(The Heyden Chemical Corporation, New York)

Streptomycin Dihydrosulfate (Heyden) 1 gm. vial

Crystalline Penicillin Sodium G (Heyden)

100,000 units

200,000 units

500,000 units

1,000,000 units

Crystalline Penicillin G Potassium (buffered) 12 tabs (Heyden) 500,000 units

Crystalline Procaine Penicillin G Aqueous Injection, Fortified 1 cc vial (Heyden) 400,000 units

ORDER

ORDERED that a copy of the above notification may be communicated to all Parts A, B and C States; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; the Planning Commission; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London, His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director of Commercial Intelligence and Statistics; Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi and the Secretary, Indian Tariff Board

ORDERED also that it be published in the Gazette of India.

[No. I(4)-30(2)/49.]

S.E.O. 473.—In exercise of the powers conferred by section 3 of the Drugs (Control) Act, (No. XXBI of 1950), the Central Government is pleased to direct that the following further amendment shall be made in the Notification of the Government of India in the Ministry of Industry and Supply No. I-IB/1-Drugs dated the 8th October, 1949, namely:—

In the Schedule to the said Notification the entry

"250's"

occurring under

“ ‘BREWERS YEAST’ TABLETS”

under the heading

“J. L. Morrison, Son and Jones (India) Ltd.” shall be deleted.

[No. I(4)-30(2)/49.]

P. S. SUNDARAM, Under Secy.

MINISTRY OF AGRICULTURE

CORRIGENDUM

New Delhi, the 23rd August 1950

S.R.O. 474.—In the Government of India, Ministry of Agriculture Notification No. F. 3-2/50-Com., dated the 13th July, 1950 for “Shri D. N. Dutt of Bangashwan Cotton Mills” read “Shri D. N. Dutt of Bangeshwari Cotton Mills.”

[No. F. 3-2/50-Com.]

New Delhi, the 25th August 1950

S.R.O. 475.—In the Ministry of Agriculture Notification No. F. 4-25/50-Com. dated the 8th July 1950 for the words “Angero Brothers” read “Angelo Brothers”.

[No. F. 4-25/50-Com.]

New Delhi, the 28th August 1950

S.R.O. 476.—In pursuance of the provisions of sub-section (m) of section 4 of the Indian Oilseeds Committee Act (IX of 1946) the Central Government is pleased to nominate Shri V. V. Ramaswamy Merchant, Virdhunagar, as a member of the Indian Central Oilseeds Committee *vice* Shri R. V. Sundra Reddiar.

[No. F. 5-7/50-Comm.]

S.R.O. 477.—In pursuance of the provisions of sub-section (h) of section 4 of the Indian Oilseeds Committee Act (IX of 1946) the Central Government is pleased to nominate Capt. Dalip Man Singh, M.A., LL.B., Vice President, Indian Co-operative Bank Ltd., Fatehpur as a member of the Indian Central Oilseeds Committee *vice* Shri R. G. Saraiya.

[No. F. 5-7/50-Comm.]

S.R.O. 478.—In pursuance of the provisions of sub-section (l) of section 4 of the Indian Oilseeds Committee Act (IX of 1946) the Central Government is pleased to nominate Shri Odhavji Devchand Sejjal, President, Saurashtra Oil Mills Association as a member of the Indian Central Oilseeds Committee *vice* Shri Ram Nath Khanna

[No. F. 5-7/50-Comm.]

A. N. BERY, Under Secy.

MINISTRY OF FOOD

New Delhi, the 23th August 1950

S.R.O. 479.—In exercise of the powers conferred by section 4 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that with immediate effect the following amendments shall be made in the Notification of the Government of India in the Ministry of Food, No. CG-603(88)-VI, dated the 7th August, 1950, namely:—

In the said Notification,

- (i) for the word, brackets and letters “(f), (h) and (j)” the word, brackets and letters “(c), (f), (h), (i) and (j)” shall be substituted; and
- (ii) for the word “foodstuffs” the words “foodstuffs, including sugar and gur, but excluding gram, pulses, edible oils and edible oilseeds” shall be substituted.

[No. CG-603(88)-VI.]

K. R. DAMLE, Joint Secy.

MINISTRY OF REHABILITATION

New Delhi, the 12th August 1950

S.R.O. 480.—In pursuance of sub-section (1) of section 6 of the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949); and in supersession of the notification of the Government of India in the Ministry of Rehabilitation No. II(55-E)/49-N-3, dated the 1st November, 1949, the Central Government is pleased to empower an Assistant Sub-Inspector and Head Constable of Police in the States of Punjab and Rajasthan and an Assistant Sub-Inspector of Police in the rest of India to exercise the powers referred to in the said sub-section.

[No. II(55-E)/49-N-12.]

V. D. DANTYAGI, Joint Secy.

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 28th August 1950

S.R.O. 481.—In exercise of the powers conferred by Section 82-J of the Indian Railways Act 1890 (IX of 1890), the Central Government is pleased to direct that the following amendment shall be made in the Railway Accidents (Compensation) Rules, 1950, namely:—

In rule 3 of the said rules—

- (a) In clause (b) the words “a joint judge or an additional district judge” shall be omitted.
- (b) In clause (c), the words “or an additional district magistrate” shall be omitted.
- (c) The following explanation shall be added, namely:—

Explanation.—In this rule and the next succeeding rule, the expression “district judge” includes a joint judge and an additional district judge and the expression “district magistrate” includes a

deputy commissioner, a chief presidency magistrate, an additional chief presidency magistrate and an additional district magistrate.

[No. 893-TG.]

S.R.O. 482.—In exercise of the powers conferred by section 82-B of the Indian Railways Act, 1890 (IX of 1890), the Central Government is pleased to appoint in respect of each of the States specified in column 1 of the Schedule hereto annexed the officer or officers specified in column 2 thereof as the Ex-officio Claims Commissioner or Commissioners for enquiring into and determining all claims for compensation arising out of minor accidents occurring within his or their respective jurisdiction.

THE SCHEDULE.

Name of State	Designation of officer
1. Travancore-Cochin . . .	1. District Magistrate, Trivandrum. 2. District Magistrate, Quilon. 3. District Magistrate, Trichur.
2. Himachal Pradesh . . .	1. District Magistrate, Mahasu.
3. Ajmer	1. District Judge, Ajmer.
Uttar Pradesh	1. Additional District Magistrate, (Judicial) Muzaffarnagar. 2. Additional District Magistrate (Judicial), Bulandshahr. 3. Additional District Magistrate (Judicial), Mathura. 4. Additional District Magistrate (Judicial) Mainpuri. 5. Additional District Magistrate (Judicial), Bareilly. 6. Additional District Magistrate (Judicial), Bijnor. 7. Additional District Magistrate (Judicial), Badaun. 8. Additional District Magistrate, (Judicial), Moradabad. 9. Additional District Magistrate (Judicial), Shahjahanpur. 10. Additional District Magistrate (Judicial), Farrukhabad. 11. Additional District Magistrate (Judicial), Fatehpur. 12. Additional District Magistrate (Judicial), Jhansi. 13. Additional District Magistrate (Judicial), Lucknow. 14. Additional District Magistrate (Judicial) Unnao. 15. Additional District Magistrate (Judicial), Rae Bareilly. 16. Additional District Magistrate (Judicial), Sitapur. 17. Additional District Magistrate (Judicial), Gonda. 18. Additional District Magistrate (Judicial), Bahraich. 19. Additional District Magistrate (Executive), Saharanpur. 20. Additional District Magistrate (Executive), Meerut. 21. Additional District Magistrate (Executive), Agra. 22. Additional District Magistrate (Executive), Kanpur. 23. Additional District Magistrate (Executive), Allahabad. 24. Additional District Magistrate (Executive), Banaras. 25. Additional District Magistrate (Executive), Gorakhpur. 26. District Magistrate, Dehra Dun. 27. District Magistrate, Aligarh. 28. District Magistrate, Etah. 29. District Magistrate, Rampur. 30. District Magistrate, Pilibhit. 31. District Magistrate, Etawah. 32. District Magistrate, Jalaun. 33. District Magistrate, Hamirpur.

Name of State	Designation of officer
Uttar Pradesh](<i>conold.</i>)	<ol style="list-style-type: none"> 34. District Magistrate, Banda. 35. District Magistrate, Mirzapur. 36. District Magistrate, Jaunpur. 37. District Magistrate, Ghazipur. 38. District Magistrate, Ballia. 39. District Magistrate, Deoria. 40. District Magistrate, Basti. 41. District Magistrate, Azamgarh. 42. District Magistrate, Naini Tal. 43. District Magistrate, Almora. 44. District Magistrate, Garhwal. 45. District Magistrate, Tehri-Garhwal. 46. District Magistrate, Hardoi. 47. District Magistrate, Kheri. 48. District Magistrate, Faizabad. 49. District Magistrate, Sultanpur. 50. District Magistrate, Pratapgarh. 51. District Magistrate, Bara Banki.
5. Madras]	<ol style="list-style-type: none"> 1. District Judge, Anantapur. 2. District Judge, North Arcot, Vellore. 3. District Judge, South Arcot, Cuddalore. 4. District Judge, Ballary. 5. District Judge, Chingleput. 6. District Judge, Chittoor. 7. District Judge, Coimbatore. 8. District Judge, Cuddapah. 9. District Judge, East Godavari, Rajahmundry. 10. District Judge, West Godavari, Eluru. 11. District Judge, Guntur. 12. District Judge, South Kanara, Mangalore. 13. District Judge, Krishna, Masulipatnam. 14. District Judge, Kurnool. 15. District Judge, North Malabar, Tellicherry. 16. District Judge, South Malabar, Kozhikode. 17. District Judge, Mathurai. 18. District Judge, Nellore. 19. District Judge, Ramanathapuram at Mathurai. 20. District Judge, Salem. 21. District Judge, East Tanjore, Nagapattinam. 22. District Judge, West Tanjore, Tanjore. 23. District Judge, Tiruchirapalli. 24. District Judge, Tirunelveli. 25. District Judge, Visakhapatnam.
6. Punjab	<ol style="list-style-type: none"> 1. District Magistrate, Hissar. 2. District Magistrate, Rohtak. 3. District Magistrate, Gurgaon. 4. District Magistrate, Karnal. 5. District Magistrate, Ambala. 6. District Magistrate, Kangra at Dharamsala. 7. District Magistrate, Hoshiarpur. 8. District Magistrate, Jullundur. 9. District Magistrate, Ludhiana. 10. District Magistrate, Ferozepur. 11. District Magistrate, Amritsar. 12. District Magistrate, Gurdaspur. 13. District Magistrate, Simla.
7. Bhopal	<ol style="list-style-type: none"> 1. District Magistrate, Raisen. 2. District Magistrate, Sehore. 3. Additional District Magistrate, Bhopal.
8. Vindhya Pradesh	<ol style="list-style-type: none"> 1. District Judge, Rewa <i>cum</i> Sidhi. 2. District Judge, Satna <i>cum</i> Umaria. 3. District Judge, Chhatarpur <i>cum</i> Panna. 4. District Judge, Tikamgarh <i>cum</i> Datia.

Name of State	Designation of officer
9. Mysore	1. Principal District Judge, Mysore Division. 2. Principal District Judge, Bangalore Division. 3. District Judge, Civil Station, Bangalore. 4. District Judge, Shimoga Division.
10. Madhya Pradesh	1. District and Sessions Judge, Nagpur. 2. District and Sessions Judge, Wardha. 3. District and Sessions Judge, Khandwa. 4. District and Sessions Judge, Jabalpur. 5. District and Sessions Judge, Raipur. 6. District and Sessions Judge, Hoshangabad. 7. District and Sessions Judge, Durg at Rajnandgaon. 8. District and Sessions Judge, Raigarh. 9. District and Sessions Judge, Chhindwara. 10. District and Sessions Judge, East Berar, Amravati. 11. District and Sessions Judge, West Berar, Akola.
11. Orissa	1. District Magistrate, Cuttack. 2. District Magistrate, Puri. 3. District Magistrate, Balasore. 4. Deputy Commissioner, Sambalpur. 5. District Magistrate, Ganjam. 6. District Magistrate, Koraput. 7. District Magistrate, Mayurbhanj. 8. District Magistrate, Dhenkanal. 9. District Magistrate, Sundergarh. 10. District Magistrate, Keonjhar. 11. District Magistrate, Bolangir. 12. District Magistrate, Kalahandi. 13. District Magistrate, Khondmals.

[No. 898-TG/1.]

S. S. RAMASUBBAN, Secy.

MINISTRY OF TRANSPORT**PORTS***New Delhi, the 23rd August 1950*

S.R.O. 483.—In exercise of the powers conferred by Sections 4 and 8 of the Madras Outports Landing and Shipping Fees Act, 1885 (Madras Act III of 1885), the Central Government is pleased to direct that, with effect from the 28-9-50, the following further amendments shall be made in the notification of the Government of India in the Ministry of Transport, No. 11-P(90)/47 dated the 28rd December, 1947, namely:—

In the Schedule of Landing and Shipping Fees and Wharfage appended to the said notification:—

- (1) In the second paragraph of the 'Note' in the said schedule, the words and figures "in respect of lifts of 1½ tons or less" shall be omitted;
2. Under the heading XIII. *Fruits, Vegetables and Edible Nuts*—
 - (a) item H shall be omitted;
 - (b) in item I, after the word "fresh" the words "or dry" shall be inserted; and
 - (c) in item J, after the words "in bags" the words "or baskets" shall be added;

[No. 11-P(98)/50.]

S.R.O. 484.—In exercise of the powers conferred by sub-section (1) of section 35 of the Indian Ports Act, 1908 (XV of 1908), the Central Government is pleased to direct that, with effect from 27th September, 1950, the following further amendment shall be made in the notification of the Government of Madras in the Finance Department (Marine) No. 26 dated the 1st March, 1930, namely:—

In the said notification—

Under the heading "(1) Steamers", for the words "Per registered ton" against items (a) and (b), the following shall be substituted, namely:—

"Per registered ton, subject to a minimum of Rs. 80/- per steamer".

[No. 11-P(84)/50.]

T. S. PARASURAMAN, Dy. Secy.

MINISTRY OF COMMUNICATIONS

POSTS AND TELEGRAPHS

New Delhi, the 29th August 1950

S.R.O. 485.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Telegraph Rules, 1932, namely:—

At the end of rule 162 of the said Rules, the following shall be added, namely:—

"For inland press telegrams to several addresses within India served by different telegraph offices not within the free delivery radius of a Central Telegraph Office, the charges will be:—

- (i) for the first address in the first telegraph office: as for a single inland press telegram under rule 157;
- (ii) for the first address in the second telegraph office: three-fourth of the charges in (i) above;
- (iii) for the first address in the third telegraph office: half of the charges in (i) above, and
- (iv) for the first address in the fourth and subsequent telegraph office: one-fourth of the charges in (i) above.

For each address after the first in all telegraph offices copying fee calculated at the rate of 5 annas for any number of chargeable words not exceeding 100 and 1 anna for each additional 20 words or part thereof shall be chargeable".

[R-2-10/50.]

K. V. VENKATACHALAM, Dy. Secy.

MINISTRY OF COMMERCE

MERCHANDISE MARKS

New Delhi, the 2nd September 1950

S.R.O. 486.—In exercise of the powers conferred by sub-section (1) of section 12A of the Indian Merchandise Marks Act, 1889 (IV of 1889), the Central Government on the requirements of sub-section (3) and (4) of the said section having been fulfilled is pleased to direct that:—

- (a) subject to the provisions of sub-section (5) of the said section the classes of goods specified in column 2 of the schedule hereto

annexed shall on and after the 1st April, 1951, have applied to them in the English language on importation (where the goods are imported) and at the time of sale, whether by wholesale or retail, an indication of the country or place in which they were made or produced in the manner specified in the corresponding entry in column 3 of the said schedule

- (b) where such goods are made or produced in one country and packed in containers made or produced in another, the indication shall specify such countries if one or both of them are beyond the limits of the States.
- (c) where such goods are partly or wholly made or produced in one country and partly made or produced or finished or processed or embellished or completed in another country or other countries the indication if expressed as "Made abroad" or "Foreign Made" or "Manufacture of different countries outside India" shall be deemed to be sufficient for purpose of this notification.
- (d) where such goods are produced in a foreign country but processed or embellished in India the country of origin and the words "Processed in India" should be indicated.

2. Where due to smallness of the size of the goods it is impracticable to mark the country of origin, on the goods themselves or where it is not possible to do so without adversely affecting the quality of the goods, the indication may be applied on the wrapper, container or label attached provided that if any question arises whether it is practicable to mark the country of origin on the goods themselves or whether it is possible to do so without adversely affecting the quality of the goods, the decision of the Central Government thereon shall be final.

3. In this notification:—

- (a) the expression "covering" or "container" includes a wrapper, cover, band packet, box, carton, capsule, stopper, cork, top, frame, case, tin, can, phial, bottle, jar, vessel or any other covering or container in or with which the goods of any class specified in the schedule are imported, sold or exposed for sale;
- (b) "label" includes any ticket, band, card or tag;
- (c) "applied" includes attached, enclosed, annexed, inserted, secured, fastened, stitched or sewn

SCHEDULE

PART I

I. Goods made or produced beyond the limits of the States and imported into the States.

Item No.	Class of goods	Manner in which the indication shall be applied
(1)	(2)	(3)
1.	Apparatus and appliances, electric and all kinds	On the goods themselves.
2.	Glass, Bulbs, gloves including electric incandescent bulbs	Ditto.

(1)	(2)	(3)
		On the goods themselves.
3.	Electric cells and batteries of all kinds including primary batteries for dry cells, flash lamps, torch type, motor car batteries, and also plates for motor vehicle batteries.	
4.	Fountain pen barrels	Ditto.
5.	Chemicals, drugs, medicines and Pharmaceutical Products of all kinds.	On the containers or coverings.
6.	Cigarettes	Ditto.
7.	Fents	On the goods themselves.
8.	Lanterns and lamps of all kinds including electric torches and flashlights and automobile lamps.	Ditto.
9.	Machinery of all kinds	Ditto.
10.	Piecegoods of cotton, silk, artificial silk, staple fibre yarn and wool including mixture piece goods, i.e., piece goods made out of different kinds of yarns or piece goods made out of yarns spun out of mixture of different kinds of textile fibre.	Ditto.
11.	Stationery goods, all kinds	Ditto.
12.	Tiles of all kinds	Ditto.
13.	Timbers and manufactures thereof	Ditto.
14.	Toilet preparations of all kinds including soaps	On the containers or coverings.
15.	Wood including logs, planks scantlings	On the goods themselves.
16.	Yarns of cotton, silk, artificial silk, staple fibres and wool, including yarn spun out of mixture with one or more kinds of textile fibres as well as yarns consisting of strands of different kinds of yarn combined by the process of doubling or twisting.	On the Bundles.
17.	Iron ingots	On the goods themselves.

PART II

II. Goods made or produced within the limits of the State.

1	2	3
1.	Cigarettes	On the containers or coverings.
2.	Cotton piecegoods excepting Handloom cloth	On the goods themselves.
3.	Primary and secondary batteries of all kinds such as dry cells for flash lights, radios, etc., and storage batteries of the motor vehicles, train lighting and stationary types and also plates for motor vehicle batteries.	Ditto.
4.	Yarn of cotton, silk, artificial, silk staple fibre and wool, including yarn spun out of mixture with one or more kinds of textile fibres as well as yarn consisting of strands of different kinds of yarn combined by the process of doubling or twisting.	On bundles.
5.	Chemicals, drugs, medicines and pharmaceutical products of all kinds.	On the containers or coverings.
6.	Toilet preparations of all kinds including soaps	Ditto.

[No. 301(S)-Tr.(MM)/48.]
H. C. SARIN, Dy. Secy.

MINISTRY OF LABOUR

New Delhi, the 23rd August 1950

S.R.O. 487.—In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Indian Mines Act, 1928 (IV of 1928), the Central Government is pleased to nominate Shri K. A. Muzumdar, I.A.S. as a member of the Mining Board constituted for West Bengal *vice* Shri B. K. Banerjee, I.A.S.

[No. M 48(8)50.]

P. N. SHARMA, Under Secy.

New Delhi, the 24th August 1950

S.R.O. 488.—The following draft of an amendment to the Industrial Employment (Standing Orders) Central Rules, 1946, which it is proposed to make in exercise of the powers conferred by section 15, read with clause (b) of section 2, of the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946), is published as required by sub-section (1) of the said section 15 for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 1st October 1950.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendment

In Schedule I to the said Rules, to sub-paragraph (4) of paragraph 14, the following proviso shall be added, namely:

Provided that in the case of workmen who are Government servants and to whom the Provisions of Article 311 (2) of the Constitution of India apply, the provisions of that article shall be complied with.

[No. LR 11(106).]

S. C. AGGARWAL, Dy. Secy.

CORRIGENDA

New Delhi, the 28th August 1950

S.R.O. 489.—On Pages 2647-2650 of the *Gazette of India Extraordinary* dated the 9th December 1949, containing the award of the All India Industrial Tribunal (Bank Disputes) in the matter of alleged victimization, retrenchment, etc. in respect of the banking companies in the State of Madras, the following corrections shall be made:—

1. On page 2648, in the paragraph dealing with R. Subbarayulu's case in line 9 for "A. Subbarayulu" substitute "R. Subbarayulu".

2. On page 2649, in the paragraph dealing with the case of G. Satahi Pathi Rao, in line 18, *between* the words and figures "in his" and "dated the 15th" insert the word "letter".

[No. L.R. 2(251).]

S.R.O. 490.—On pages 745-764 of the *Gazette of India Extraordinary*, dated February 4, 1950, containing the award of the All India Industrial Tribunal (Bank Disputes) in the matter of alleged victimization, etc., in respect of the

banking companies in the States of Delhi, East Punjab and Bihar, the following corrections shall be made:—

1. On page 746, under the heading "Appearances", in lines 7 and 8, *delete* the word "Delhi".

2. On page 746, under the heading "Appearances", in line 19, *after* the words "workmen's union" *add* the word "Delhi".

3. On page 746, under the same heading, in line 27, *after* the word "Association" *for* the full stop *substitute* a comma, and *add* at the end the word "Patna".

4. On page 746, under the heading "Award" in the first line *for* the word "Notification" where it occurs *for the third time substitute* the word "Order".

5. On page 747, para. 3, line 1, *for* the word "Notification" where it occurs *for the last time substitute* the word "Order".

6. On page 747, para. 3, line 20, *insert* the word "Bombay" *between* the words "Sections 49A of the "and" Industrial Disputes".

7. On page 747, para. 3, line 25, *for* the words "Hindusthan Commercial Bank Ltd." *substitute* the words "Imperial Bank of India".

8. On page 747, para. 3, line 27, *for* the figure and words "3rd August" *substitute* the figure and words "22nd December".

9. On page 747, para. 3, line 31, *delete* the first word "Ltd".

10. On page 748, line 11, *for* the figure and words "20th August" *substitute* the figure and words "25th August".

11. On page 749, para. 5, line 16, *insert* the word "not" *between* the words "which is" and "declared".

12. On page 754, line 19, *for* the figure and words "5th August" *substitute* the figure and words "8th August".

13. On page 756, para. 17, line 25, *for* the word "Associations" *between* the words "The" and "view" *substitute* the word "Union's".

14. On page 757, para. 19, line 1, *for* the word "Vadvyas", where it occurs *for the second time substitute* the word "Vedvyas".

15. On page 757, para. 19, line 4, *for* the word "workmen" where it occurs *for the first time substitute* the word "workman".

16. On page 758, in the 16th line from bottom, *for* the figures "1943" *occurring between* the words and figure "All England Law Reports" and "vol. 2" *substitute* the figures "1947".

[No. L. R. 2(251)-I.]

S.R.O. 491.—On pages 242-245 of the *Gazette of India*, Part I, Section 1, dated the 18th February 1950, containing the award of the All India Industrial Tribunal (Bank Disputes) in the matter of victimization, etc. in the State of Bombay, the following correction shall be made:—

1. On page 244, first column, line 42 from the bottom, *for* the word "I" *between* the words "as" and "have" *substitute* the word "we".

S.R.O. 492.—On pages 230-242 of the *Gazette of India*, Part I, Section 1, dated the 18th February 1950, containing the award of the All India Industrial

Tribunal (Bank Disputes) in the matter of alleged victimization etc., in the United Provinces, the following correction shall be made:—

1. On page 238, first column, under the heading "Appearances" *delete* the last two lines containing the words "Mr. H. K. Ghosh, Advocate, for Mr. Gopal Lal Sah of the Imperial Bank of India".

[No. L.R.2(251)-III.]

S.R.O. 493.—On pages 1071-1094 of the *Gazette of India Extraordinary*, dated the 23rd March 1950 containing the award of the All India Industrial Tribunal (Bank Disputes) in the matter of alleged victimization, etc., in the States of Punjab and Delhi, the following corrections shall be made:—

1. On page 1077, line 4, *for* the words "the U.P. Bank Employees' Union" *substitute* the words "the Bharat Bank Employees' Union".

2. On page 1090, line 1, *for* the words "Government Notification" *substitute* the words "Government Order".

[No. L.R. 2(251)-IV.]

S.R.O. 494.—On pages 64-65 of the *Gazette of India*, Part I, Section 1, dated the 15th April 1950, containing the award of the All India Industrial Tribunal (Bank Disputes) in respect of Mr. D. J. Ladha of the Laxmi Bank Ltd. Akola, Madhya Pradesh the following corrections, shall be made:—

1. On page 64, second column, under the heading "Award" in line 3 *for* the word "Mr. D. J. Ladha" *substitute* the word "D. J. Ladha".

2. On page 64, under the heading "Award", in line 11 *insert* the words "to him" *between* the words "had been assigned" and "he wished to resign".

[No. L.R.2(251)-V.]

S.R.O. 495.—On pages 87-88 of the *Gazette of India*, Part I, Section 1, dated the 22nd April 1950 containing the award of the All India Industrial Tribunal (Bank Disputes) in the matter of alleged victimization of Mr. T. P. Malaviya of the Bharat Bank Ltd. the following corrections shall be made:—

1. On page 87, second column, line 11, *for* the word "was" occurring between the words "He" and "asked" *substitute* the word "has".

2. On page 88, first column, in line 7 *delete* the word "as" occurring between the words "and" and "wo" and in line 9 *delete* the word "not" occurring between the words "has" and "been disputed".

[No. L.R.2(251)-VI.]

New Delhi, the 30th August 1950

S.R.O. 496.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947) the Central Government is pleased to publish the following award of the Industrial Tribunal constituted under the Government of India, Ministry of Labour Order No. L.R. 8(84), dated the 12th January 1950, in the matter of an industrial dispute, between the Kirkee Cantonment Board, Poona and the workmen in its employment.

BEFORE SHRI M. C. SHAJI, INDUSTRIAL TRIBUNAL BOMBAY

Reference (IT-CG) No. 1 of 1950.

ADJUDICATION

BETWEEN

The Kirkee Cantonment Board, Poona.

AND

The workmen in its employment

In the matter of an industrial dispute re: reinstatement, inquiry committ payment according to the recommendations of the Central Pay C recognition of union.

APPEARANCES :

Shri M. P. Amin, Advocate, and Shri D. S. Suryawanshi, pleader, with Shri P. R. Bapat, Executive Officer, for the Board.

Shri S. D. Kamerkar with Shri S. M. Joshi and Shri Vinayak Kulkarni, President and Executive Member respectively, Kirkee Cantonment Board Kamgar Union, Poona, for the workmen.

Shri P. G. Pundlik, pleader for certain workmen who are not represented by the Kirkee Cantonment Board Kamgar Union.

AWARD

This reference has been made to me as Industrial Tribunal by the Central Government in exercise of the powers conferred by section 7 read with clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 for the adjudication of the dispute between the Kirkee Cantonment Board, Poona, and the workmen in its employment relating to the demands specified below :—

1. REINSTATEMENT OF :—

- (A) The workers discharged on 31st July 1948 for budgetary reasons;
 - (B) The Ambulance Driver Baboo Sayad discharged on 30th September 1948; discharge notice withdrawn and again suspended from 1st October 1948 with pay and allowance from 1st October 1948;
 - (C) The Lorry Driver Narsu Somayya discharged on 30th October, 1948 with pay and allowances from 1st October 1948; and
 - (D) The employees discharged after the commencement of the strike i.e. from 11th November 1948 upto this time with pay and allowances.
2. An impartial inquiry committee should be set up to go into the grievances against the Sanitary Superintendent. (Copy of the report of the inquiry committee appointed by the union is attached for information).
 3. The employees should be paid according to the recommendations of the Central Pay Commission with effect from 1st January 1947.
 4. Till formal and final recognition is accorded to the union by the Central Government, the condition and terms of the provisional recognition already accorded should be specified.

The workmen who are concerned in this dispute are represented by the Kirkee Cantonment Board Kamgar Union, hereinafter called "the Union", and have filed a statement of claim. The Kirkee Cantonment Board, Poona, hereinafter called "the Board", has filed a written statement in reply opposing the demands. Those of the present workmen in the Board's employment who did not wish to be represented by the Union have appeared separately through a pleader and have filed a written statement Ex. 2 also opposing the demands made by the Union and supporting the Cantonment Board. The parties have filed documentary evidence and the Union has also adduced, oral evidence.

2. The workmen in the employment of the Board formed a union on 29th January 1947 styled the Kirkee Cantonment Board Kamgar Union and advised the Board of the same on 18th February 1947. The Board did not recognise the Union but after some correspondence it was agreed between the Board and the Executive Officer of the Board on the one hand, and the Union, Shri Joshi, and the Secretary, Shri Kulkarni on the other, that the Union should hold unofficial meetings of representatives

of the Union and the Board might be convened on request by Union representatives to consider cases of collective and individual grievances of the conservancy staff. It appears that on a report of the Executive Officer in respect of one mechanic and four lorry drivers, two of whom were Babu Sayad and Narsu Somaya, whose behaviour was found unsatisfactory, the Finance Committee of the Board had recommended their discharge about the end of September 1947 but the Board modified that decision and appointed an inquiry committee of three members of the Board. After taking into account the recommendations of the said Committee the Board ultimately decided to retain them in service. However, apprehending that the said five workmen might be discharged, the Union had written to the Board on 29th September 1947 asking for a joint meeting of the representatives of the Board and the Union to consider the question; and this right the Union claimed in pursuance of the agreement of 14th June 1947. The Board was not willing to accept the Union's request and informed the Union accordingly. Ultimately however, as said above, the said workmen were retained in the Board's service and that incident was closed.

8. The Union gave a notice of strike on 30 December 1947 making certain demands, which included among others, that an inquiry committee should be appointed to inquire into the grievances of the workers against the Sanitary Superintendent, and that the Union should have a representative on the said committee. Following this notice negotiations were held between the Cantonment Board Executive Officer and the Union executive as a result of which the Union was accorded provisional recognition subject to the confirmation by the Cantonment Board and it was agreed that the Vice-President and the Executive Officer of the Board would inquire into the allegations against the Sanitary Superintendent and the grievances of the workers as submitted in detail by a representative of the Union and that every effort would be made to redress genuine grievances and such grievances as were not redressed might be discussed with the representatives of the Union before the final decision in the matter was taken. There was also a settlement in respect of the demand for increased dearness allowance. Allegations against the Sanitary Superintendent were subsequently inquired into and most of them were found to be baseless and untenable and the findings of Khan Bahadur Moledina who made the inquiry were communicated to the Union on 23rd March 1948. It appears that at the time of the annual budget estimates the Board decided to retrench 12 workers, of whom 4 were women, with effect from 1st August 1948 but this was purely on account of budgetary reasons and with a view to effecting economy in the administration. The Union, however, resented this retrenchment. Ambulance car driver Babu Sayad, against whom there were some complaints, was served with a notice of discharge on 29th September 1948 and this again was resented by the Union. The Union was also harbouring a grievance in respect of the Sanitary Superintendent, and appointed its own inquiry committee to investigate into his conduct and this Committee submitted a report to the Union on 14th September 1948 holding that most of the grievances were true and suggesting that the Board should remove the said superintendent from service. Thereafter the Union gave a notice of strike on 1st October 1948 intimating that the workmen would go on strike with effect from 19th October 1948 on account of their grievances, and these related to Babu Sayad, the 12 employees discharged in July 1948, and the Sanitary Superintendent, in respect of whom all the Union wanted inquiry committees to be appointed, with the Union's representatives on them, to investigate the workmen's grievances. The other demands were for wage scales according to the Pay Commission's Report, final recognition of the Union, and housing accommodation or house-rent allowance of Rs. 5 in lieu thereof. Discussions were thereafter held between the Board and the Union with the intervention of the Conciliation C

Shri Basu with a view to arriving at a settlement but these proved unsuccessful and it appears that the Union insisted on its own terms and more particularly on having a Union's representative as a full-fledged member of the inquiry committee. The Conciliation Officer ultimately wrote to the Union Secretary on 4th November 1948 that further negotiations were not likely to yield any results and the Union then commenced a strike on 11th November 1948. The strike lasted five days, and, according to the Union, it decided on 16th November 1948 to call off the strike from the next day because a case of cholera had occurred within the Cantonment limits and the Union did not wish to jeopardise the health of public. In the meantime the Board had decided on the 18th October that in case the strike materialised and if the employees did not return to duty within 48 hours of their absence their services would be permanently and finally dispensed with and new men appointed in their places. In pursuance thereof the Board did employ 60 new hands by the 16th November 1948. As the old hands offered to resume work on 17th November the Board took back about 80 of them but refused to take back the remaining. As a result thereof the Union gave another notice of strike on 11th January 1949 repeating the former demands, and making a further demand *viz.*, for the reinstatement of the employees discharged during the strike. A joint meeting between the Executive Officer of the Board, the Conciliation Officer and the representatives of the Union took place on 21st January 1949 but no settlement was reached. The efforts at a settlement were continued but as these proved unavailing the Union sought the intervention of the Central Government and after certain correspondence, which inevitably took time, this dispute was referred to arbitration by the Central Government on 12th January 1950. This in brief is the history of the dispute.

4. *Demand No. 1 (A).*—The demand is for the reinstatement of the 12 workers who were discharged with effect from 1st August 1948. Several proposals were placed before the Board with a view to effecting savings in the expenditure and one of these was item No. 14 relating to the retrenchment of the said 12 workers which was going to effect a saving of Rs. 3,100 a year. These proposals were considered by the Board and the retrenchment was made with a view to effect economy in the expenditure and for no other reason. The Union too has not alleged any ulterior reasons nor has attributed any motive to the Board in the matter of this retrenchment. Its grievance, as now stated, is that the workload having actually increased the Board should have sought monetary assistance from the Government instead of retrenching the staff and that no satisfactory explanation had been given by the Board. As to this contention of the increase in the workload, however, it is material to see that in the demands annexed to the notice of strike dated the 1st October 1948, no mention was made of the increase in the workload and, on the other hand, the allegation was that the discharge was effected arbitrarily "without taking into consideration the length of service or any other aspect." There was no suggestion whatever of the increase in the workload and it seems plain that this plea is an afterthought. There is also no evidence to substantiate the plea, nor is there anything to show that having regard to the existing workload no reduction of the staff was possible. The 12 particular employees who were discharged were all aged between 58 and 60 years and they were picked out for that reason. At the same time the reason subsequently stated *viz.*, that they were surplus to requirement does not appear to be correct. In any case it does not appear to have weighed with the Board at the time of effecting the discharge. Whatever that might be, it cannot be denied that this was a case of retrenchment on account of financial reasons and with a view to effecting economy in the annual expenditure. The Union appears to have taken the

view that it had a right to investigate the question and that the investigation should be by a committee having the workmen's representative on it. This feeling appears to have been inspired by the agreement of 14th June 1947, on which great stress has been laid by the Union during the events which led to this dispute. What was agreed to under the agreement, however, was that unofficial meetings of representatives of the Union and the Board might be convened to consider cases of collective and individual grievances of the conservancy staff, which only meant that the grievances were to be considered by such joint committees and the differences ironed out as far as possible by negotiations. But that did not concede to the Union the right to have an inquiry committee appointed in matters concerning the internal administration of the Board and to have the employees' representation on the committee. The Cantonments Act, 1924 no doubt contemplates the association of outsiders with inquiries to be made by the Board, as for instance in the matter of valuation and assessment. Section 68(3) of the Act provides that the objections to valuation or assessment should be inquired into and investigated, and the persons making them shall be allowed an opportunity of being heard either in person or by authorised agent, by an Assessment Committee appointed by the Board. Sub-section (4) requires that it shall not be necessary to appoint to the Assessment Committee any member of the Board, which means that outsiders could be appointed on the Committee for such purposes. However there is nothing in the Act to require the Board to appoint inquiry committees in the matter of the internal administration of the Board or to have the workmen's representatives on such committees. The Union's insistence on such a committee was, in my opinion, unjustified and it seems that this particular attitude of the Union was responsible for the breakdown of the negotiations between the parties. The Union also insisted on such a committee in respect of their demands relating to Babu Sayad and the Sanitary Superintendent, which again was wholly unjustified. It appears that the Union was obsessed by the view that the Cantonment Board had not the sole right to judge the conduct and behaviour of its employees and that as a representative union it had equal rights in such matters. In fact it considered itself a parallel body to the Board and to have representation on any inquiry committee that the Board might appoint. However such inquiries are always departmental in their nature and the employer, particularly semi-Government bodies like the municipalities and cantonment boards, could not obviously permit the appointment of outsiders on departmental inquiry committees. Shri Basu, the Conciliator, made sustained efforts to bring about a settlement of the dispute and he called more than one meeting of the representatives of the Board and the Union and made all attempts for a rapprochement. In his letter dated 4th November 1948 to the Union Secretary he wrote that the Vice-President of the Board in one of the meetings had already assured him (the Union Secretary) that the Union's co-operation and assistance in deciding the case of the said 12 retrenched employees would be most helpful; which shows that short of appointing a committee with the Union's representative thereon the Board was willing to accommodate the Union's wishes in the matter as far as possible. The Board was prepared to place their case before the Union and was willing to rectify any irregularity that might have crept in but that did not satisfy the Union. On the merits of the case, it was satisfied that the retrenchment was dictated by considerations of economy and was justified for all that reason. The reduction could not be avoided.

there were complaints regarding his conduct and these were investigated by the Medical Officer in-charge Cantonment General Hospital and the Cantonment Executive Officer and their report was considered by the Board at its meeting of 28th September 1948. The Board decided that in view of allegations Nos. 3 and 4 which related to assaults on Shankar Mukadam and Kisan Bala respectively, the continued retention of Babu Sayad's services was detrimental to the Board and therefore his services should be terminated and accordingly he was served with a notice of discharge dated 29th September 1948 with three months' wages in lieu of notice. Since, however, he was a permanent servant the action should have been taken under Rule 12 of the Cantonment Fund Servants Rules and the decision to discharge was therefore reconsidered and the Board resolved on 28th September 1948 to appoint an inquiry committee and pending enquiries to suspend him with effect from 1st October 1948. One of the demands in the Union's notice of strike dated 1st October was for the withdrawal of the notice of discharge and for the appointment of a committee with equal number of representatives of labour and the Board to investigate into the charges made against Babu Sayad. It appears from the Conciliator's letter of 4th November 1948 that the Board was prepared to have his case investigated by members of the Board in the presence of the Union representative who might act as an observer. The employee was also to be allowed to plead his case with the help of any one who may act as his pleader. The Board however refused to take a union representative as a full-fledged member of the committee that may be appointed to investigate the case and, in my opinion, the Board was well justified in adopting that attitude.

6. Regarding the inquiry, Babu Sayad was served with a charge sheet (Ex. 7) on 28th November 1948 containing three charges; first that he failed to report to the office the accident caused by him on 15th June 1948 at Chikhalwadi resulting in damage to a private P. W. D. water meter, secondly that on 18th September 1948, leaving his own work, he assaulted Shankar Mukadam a servant of the Board, and thirdly that on 14th August 1948 he assaulted Kisan Bala working as Mali in the Cantonment General Hospital who was also a servant of the Board. He was told that along with his written statement of defence he might state whether he desired to be heard in person and to produce oral evidence. Khan Bahadur M. H. Moledina, Shri S. G. Jain and Shri Rajaram, all of whom were members of the Board, were appointed members of the committee to hold the inquiry. It is not denied that of these Khan Bahadur Moledina was sympathetic to the Union's demands all along and he strove his utmost to bring about a rapprochement between the parties and had even undertaken to make all efforts to persuade the Board to accept certain proposals. Shri Rajaram, too, was admittedly sympathetic to the Union and in fact his leanings were on the side of the employees. Babu Sayad filed his written statement and appeared before the said committee.

Witnesses were examined on behalf of both sides and the committee after an exhaustive examination of the evidence relating to the discharge held that the charges were proved and it recommended that severe punishment should be meted out to him. That was on 29th March 1949. The Board considered the findings of the committee and decided on 30th March 1949 to dismiss Babu from service with effect from the date of his suspension, viz., 1st October 1948. He was given an inquiry committee and in fact two pleaders represented him. The dismissal savoured of victimisation.

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or that he took a prominent part in the Union's affairs, but assuming that that was so there is nothing to indicate that he was dismissed on that account. He has said that Shri S. G. Jain, one of the members of the Board, had told him to resign from the Union and to tender an apology to the Board in which case he would be reinstated but I am not impressed with this statement. As I said, two of the members of the inquiry committee were full of sympathies for the employees. They have conducted the inquiry in a very impartial manner and have come to independent decisions of their own. In my opinion, there were good and sufficient reasons for ordering the dismissal of Babu Sayad and he did not deserve to be continued in the Board's service. The punishment in his case could not be said to be harsh and the demand for his reinstatement must be rejected.

7. Demand No. 1 (C).—Narsu Somaya joined the Board's service originally as a fitter and was later made a lorry driver and about the time of his discharge from service on 30th October 1948 he was working as a refuse lorry driver. The night soil lorry driver Diwan Paipoo was on three days' leave and so Narsu was asked to drive the night soil lorry in his absence on the 29th October 1948, but he refused to drive the night soil lorry and made a statement to that effect (Ex. 10). On account of this refusal he was discharged from service the next day. The Board's contention is that Narsu like the other drivers had passed an agreement (Ex. 11) by which he had agreed to drive any Cantonment Board's lorry including filth lorry (night soil) and in the event of his refusal to do so he was liable to dismissal from the service of the Board on the ground that his retention in service was detrimental to the efficient administration of the Cantonment Board. Narsu's version is that he had taken the agreement to the Union Secretary who read it out to him, that he later took it to Shri Rajaram, a member of the Board (the said Rajaram was a member of the inquiry committee in respect of Babu Sayad) and Shri Rajaram told him to mention that he would drive all lorries except the night soil lorry and so he added that clause in Marathi and then signed the agreement. He says that he also signed another agreement at the instance of Shri Handa, the Executive Officer, and he admits that the said agreement was attested to by Driver Mannu Surjan. According to the Board he passed only one agreement, viz., Ex. 11, which bears Mannu's attestation. Narsu's version of having passed two agreements and of having stated in the first agreement that he would not drive a night soil lorry, is not borne out by independent evidence, and seems improbable.

8. He says in the statement Ex. 10 that he had returned from duty that day and was given an order to drive the night soil lorry and as he was not prepared to drive a night soil lorry he could not obey the order, and further that he had mentioned in the draft of the agreement which the Executive Officer had given to him that he would drive all lorries excepting the night soil lorry. The draft is not forthcoming and for the Board it has been said that there was no such draft. Whatever that might be, it seems that he was averse to driving a night soil lorry but ultimately agreed to execute the agreement under the impression that in practice he may not be called upon to drive it; and there was scope for such an impression because till now he had never been asked to drive a night soil lorry. He is a Telugu and was naturally afraid that if he drove a night soil lorry he might be ex-communicated by his people. He says that he was purposely asked to drive the night soil lorry even though other Bhagi drivers were available and this statement has not been controverted. He was not a spare driver and he was already working on a refuse lorry. No doubt under the terms of the agreement Ex. 11 he was liable to drive a night soil lorry, but in the circumstances of the case his refusal need not be taken as deliberate. In the state of the events of those days, viz., that the strike notice had been given already and the Board

had resolved to employ new men in case the strike took place and having regard to the tension then prevailing, it will not be unreasonable to think that the order to Narsu to drive the night soil lorry smacked of provocation. The strike had not then taken place and there were Bhangi drivers available. It is true that his conduct in the past was erratic and he was one of the employees who were warned but retained in service in November 1947. At the same time he was an old employee with a service of 15 years and in my opinion, having regard to the circumstances of the case the punishment of dismissal was too severe for the disobedience of his superior's orders. At the same time I do not hold that the agreement Ex 11 passed by him was subject to the proviso that he was not to drive a night soil lorry, and I find that, on the contrary, he did undertake to drive even a night soil lorry by the agreement. While therefore I propose to reinstate him in service it will be on condition that he notifies to the Board in writing that in future if required to do so he will drive night soil lorries. He must realise that he is not being exempted from the liability to drive a night soil lorry and it is only if he agrees to do so, that he may join back. For these reasons I direct that the Kirkee Cantonment Board should reinstate Narsu Somaya in service within three weeks of this award becoming enforceable provided he intimates in writing to the Board before being re-instated that he will drive night soil lorries in future if required to do so, as long as the agreement Ex 11 remains in force. In case he fails to do as above he will not be entitled to reinstatement and the order of dismissal will stand.

9. *Demand No. 1 (D).*—This demand relates to the reinstatement together with pay and allowances of the employees who were discharged after the commencement of the strike on 11th November 1948. On the strike being called off and the employees offering to resume work on 17th November 1948 the Board did take back about 80 of them but refused to take back the others named in the Union's annexure No. 15. Of these Bholi Chhotbu has since died. The list includes Narsu Somaya, whose discharge had no connection with the strike. The dispute therefore now relates to 52 employees. The Union had no doubt called upon the employees in the conservancy staff to go on a strike, but had particularly asked the hospital staff including the ambulance lorry drivers not to strike work. Kisan Gopal, one of the said 52 employees, was originally a refuse (rubbish) lorry driver but since the suspension of Babu Sayad he was taken up as ambulance driver and at all material times before the strike he was an ambulance driver. It was on that account that the Union had instructed him to attend to his duties, and he and the other hospital staff were working as usual. He says that Shri Handa, the Executive Officer, sent for him in the afternoon and told him that he did not want the ambulance car to run for the time being, and he asked him to drive the refuse lorry. Kisan said that all the employees including the lorry drivers were on strike, that it was not safe for him to drive the refuse lorry and it was also not part of his normal duties and that as he refused to drive the refuse lorry he was immediately dismissed from service. Now under the agreement Ex 19 which he had executed he was liable to drive all lorries including refuse lorries and normally he would not have been justified in refusing to drive the refuse lorry. But there are here certain circumstances which ought to be taken into account. He was then working as an ambulance car driver in the vacancy of Babu Sayad and the driving of the refuse lorry was not part of his normal duties. Had it been otherwise he might have been one of the striking employees and therefore would not have been available for any kind of duty. Almost the entire conservancy staff had joined the strike and if in the circumstances he considered that by his driving the refuse lorry he might be taken as a strike-breaker, it could not be said that his apprehension was unjustified. Therefore although it is not suggested that he was justified in refusing to drive the refuse lorry the refusal was induced by the stress of

circumstances then obtaining and should be viewed in that perspective. In any event the punishment of dismissal for a refusal of that kind was too harsh particularly so because his previous record was clean, and in my opinion he ought to be reinstated.

10. As stated above the strike commenced on 11th November and continued for five days. On 16th November, it appears that there was a suspected case of cholera within the Cantonment limits which was found later to be a case of gastric enteritis. All the same the impression was that it was a case of cholera and that is also borne out by Annexure I to the Board's written statement. Apprehending that the strike of the conservancy staff might endanger the sanitation and health of the public and cholera might break out in an epidemic form, the Union resolved the same evening to call off the strike and ask the men to resume work the next day. The President of the Union Shri Joshi and the Secretary Shri Kulkarni at the same time undertook a fast with a view to redressing the grievances of the workmen, but at the intervention of certain influential persons like Shri Raosaheb Patwardhan, Khan Bahadur Moledina and others the fast was abandoned by them on the 24th November 1948. It appears that Khan Bahadur Moledina took an active and sympathetic interest in the workers and he undertook to use his personal influence and to make all efforts towards a satisfactory settlement of the dispute. The Board's contention, on the other hand, is that the Union executive had fully realised that the strike had fizzled out and they wanted some face saving excuse to call off the strike and send back the men to work, and that that they did soon the pretext that a case of cholera had occurred within the Cantonment limits. I am not prepared to put this construction on the termination of the strike. But whatever might have been the reason and assuming that the strike was called off for that reason, that has no material bearing on the question whether on the termination of the strike the Board was liable to take back the striking employees or otherwise. Now here after the notice of the strike the Board had resolved on the 18th October 1948 that in the event of the strike maturing all the employees were to be warned that unless they joined back duty within 48 hours their services would be permanently and finally dispensed with (Annexure II to the Board's written statement). However there is no evidence of the intimation thereof having been given to the employees themselves and in the state of the evidence it must be taken that the employees were not aware that their services were liable to be terminated if they absented from duty on the strike maturing. The only intimation that was given to them was by dismissal orders dated 14th and 15th November viz., that on account of their wilful absence from duty from 11th November they were dismissed from service with effect from the 14th November. The correct procedure would have been to call upon the employees to resume work within a certain time and to warn them that on failure they were liable to be dismissed from service but that was not done and they were summarily dismissed.

11. Regarding the strike the notice thereof was given on 1st October 1948 and it was scheduled to commence on the 19th October but was not actually commenced. Conciliation proceedings were going on and it appears that the Union waited for the conclusion of the conciliation proceedings, and that came about on the 4th November 1948 when Shri Basu wrote to the Union Secretary that further negotiations were not likely to yield any results. This being a public utility service section 22 of the Industrial Disputes Act, 1947 applies and it is therefore necessary to see whether the Union had complied with the requirements of sub-section (1) of the said section. Now here the notice had been given six weeks before striking work. The strike had not been commenced within 14 days of the notice nor before the expiry of the date of strike specified in the notice. The conciliation proceedings must be deemed to have

concluded on 4th November; and the strike was commenced on 11th November. The Union has satisfied the requirements of section 22 sub-section (1) clause (d) under which no strike can take place during the pendency of any conciliation proceedings before a conciliation officer and seven days after the conclusion of such proceedings. Shri Pundlik, who appeared for the present employees, contended that seven clear days should have passed between the conclusion of the proceedings and the commencement of the strike and that this did not happen since the strike was commenced on the 11th November. His contention was that the strike ought to have been commenced on the 12th November and not on the 11th. The contention is not correct because one of the two days could be reckoned in calculating the period of seven days, and not both. In my opinion the requirements of section 22 sub-section (1) clause (d) were duly complied with in this case and the strike was perfectly legal. In that view, apart altogether from the fact whether the strike was justified or otherwise, the strike being a legal one the employer-employee relationship continued and the Board was liable to take the employees back when after calling off the strike they offered to resume work on the 17th November. It refused to do so on the ground that it had already employed men on a permanent service basis in the place of the striking employees. It was urged on behalf of the Board that no new workers would like to join on a temporary basis and the Board had no alternative except to take new workers on a permanent basis, and further that the Board had also given them a written guarantee to that effect. There is no evidence to show that the Board could not have secured men on a temporary basis and that position therefore has not been established. The employees have a right to strike work after giving the requisite notice to the employer, and if the strike was legal then on the termination of the strike they have a right to be taken back on the same terms of employment. The fact whether the strike was justified or otherwise has no bearing on that point, and if the strike was unjustified that will deprive the striking employees of their wages for the strike period. In my view therefore the employees Nos. 1 to 18, 20, 21 and 22 and 24 to 53 mentioned in the statement annexure 15 to the Union's statement of claim ought to be reinstated in service. I have dealt with the case of Narsu Somaya and Kisan Gopal separately and have given necessary direction in respect of them.

12. As for back wages the demand touches two periods; first the period of the strike from the 11th to 16th November 1948 and the second from 17th November 1948 onwards. So far as the first period is concerned the payment of wages will depend upon whether the strike was justified or otherwise. Now a strike can be a legal strike but it may not be justified in view of the circumstances of the case. And here it is quite plain to me that having regard to the very reasonable attitude which the Board had adopted all along and to the Board's readiness to make concessions as far as it was possible for them to make, the Union was not justified in commencing the strike. As I have shown in the earlier part of the award, the Board was prepared to examine afresh the dispute regarding the 12 discharged employees and also to institute inquiries into the conduct of the Sanitary Superintendent and to consider favourably the other demands. Shri Basu, the Conciliator, too, made all efforts to make the parties reach a settlement and it appears that had the Union not insisted upon the inquiry committees being appointed with the employees' representatives on them, the differences might have been ironed out and the employees might have been saved the hardship of this long drawn-out struggle. I hold therefore that the strike was not justified and I do not award to the employees wages for the strike period.

18. However on the termination of the strike on 17th November the employees were entitled to be taken back in service and the Board's refusal amounted in fact to a lock-out. That being so the question of paying them

their back wages or compensation in lieu of the same arises. I have dealt with this question at some length in my award in the case of the Western India Automobile Association, Bombay *v.* workmen employed under it (1950 I.C.R. p. 835 at pp. 866-867) and in the view I have there taken the financial position of the employer becomes a relevant factor. Considering that the Kirkee Cantonment Board barely runs the administration from its resources and is, on the other hand, required to resort to economy, payment of all the back wages of the employees is definitely out of the question. I do not for a moment justify the Board's action in not reinstating the striking employees. On the contrary, the Board was definitely in the wrong in not taking back the men on the termination of the strike. However while awarding compensation the Board's financial position will have to be taken into account. On a consideration of all these factors therefore I hold that payment of two month's wages, comprising of the basic wages and dearness allowance, of the striking employees (including Kisan Gopal) who are to be reinstated would be adequate in the circumstances of the case and accordingly I award the same to the said employees. This order as to compensation does not apply to Narsu Somaya. I direct that the abovesaid employee should be reinstated and the compensation awarded as above should be paid to them within one month of the date of the award becoming enforceable. The employees who wish to be reinstated should give intimation to the Board in writing of their desire to join back the Board's service within two weeks of this award coming into operation. The compensation shall be paid to the said employees irrespective of the fact whether they join back the Board's service or otherwise.

14. *Demand No. 2.*—This demand is for an impartial committee to inquire into the grievances against the Sanitary Superintendent. At the hearing the Union has not pressed the demand (*Vide* statement Ex. 17) and no directions in this respect are therefore necessary.

15. *Demand No. 3.*—The demand relates to payment of salaries in accordance with the recommendations of the Central Pay Commission with effect from 1st January 1947. The Union has now restricted the demand to the menial staff referred to in annexure T to the Board's written statement *viz.*, the conservancy staff comprising of the motor lorry [rubbish and night soil coolies (mazdurs)], scullage water cart driver, male latrine sweepers, male urinal sweepers, male drain sweepers, male trenching ground coolies (mazdurs), rat catchers, anti malaria coolies (mazdurs), and also female road sweepers, female latrine sweepers, female tokari sweepers and female retrenching ground coolies (mazdurs). The Union has however reserved its right to demand appropriate pay scales for the remaining employees at a later date (Ex. 17). Shri Kamekar for the Union has urged that the menial employees of the conservancy staff mentioned above should receive at least a salary scale of Rs. 30— $\frac{1}{4}$ —35 which is the lowest grade recommended by the Central Pay Commission for Class IV employees. The Board, on the other hand, has urged that these are not Central Government servants and the recommendations of the Central Pay Commission cannot, therefore, be applied to them. The question of the salary scales for these employees was considered by the Board and a scale of Rs. 25— $\frac{1}{4}$ —30 for the male employees and of Rs. 20— $\frac{1}{4}$ —25 for the female employees were introduced by the Board with effect from 1st March 1948. It is urged that these scales are on a par with those obtaining in the neighbouring cantonment and municipal area *viz.* the Poona Cantonment, and the Poona City Municipality (now the Poona Municipal Corporation) and that they were introduced in collaboration with the said bodies. I understand that these scales obtain also in the Ahmednagar and Belgaum Cantonments. They are a definite improvement on the old salaries which were Rs. 18 for the male employees except for the night soil lorry coolies who were paid Rs. 21 per month. The female employees were paid Rs. 10 or Rs. 11 per month. On behalf of the Board it is

pointed out that the employees are being paid dearness allowance at the rate of Rs. 35 per month and Rs. 5 as house-rent allowance so that the total earnings of a male employee are Rs. 65 and of a female employee are Rs. 60 per month, which having regard to the scale of wages in the neighbouring areas as also to the cost of living in that area, should be deemed to be appropriate. It is urged that the awarding of the scales recommended by the Central Pay Commission would entail an additional expenditure of Rs. 13,620 in a year which the Board is wholly unable to bear in view of its financial position. That the financial position of the Kirkee Cantonment Board is not strong enough cannot be disputed seriously, and in my opinion it is not in a position to bear the burden to be imposed by awarding even the lowest scale recommended by the Central Pay Commission, *viz.*, Rs. 30— $\frac{1}{2}$ —35. The total present earnings of the employees are adequate enough and in my opinion it is not possible to give them any increased salaries. The salary scales of the female workers is no doubt lower but that is due to the fact that there is a difference between the quantum of the work done by them and by the male workers. They are mostly employed on Group Latrines and the amount of the work involved there is of a lighter nature. The principle of equal pay for equal work will not therefore apply in this case and their present scale ought to be taken as adequate in view of their total earnings. This demand is therefore rejected.

16 Demand No. 4.—The Union has not pressed this demand. No directions are therefore necessary.

M. C. SHAH,
Industrial Tribunal.
K. R. WAZKAR,
Secretary,

BOMBAY,
Dated the 2nd August 1950.

[L.R. 3(84)]
N. C. KUPPUSWAMI, Under Secy.

